

RHONDA D'AMICO, Individually and
RHONDA D'AMICO and JOHN D'AMICO
as Husband and Wife
2208 Villamar Drive
Leland, NC 28451

* IN THE
* HEALTH CARE
* ALTERNATIVE
* DISPUTE RESOLUTION
* OFFICE

Claimants

v.

CHARLES CATTANO, M.D.
820 Bestgate Road, Suite 2B
Annapolis, MD 21401

*
* HCA NO.

and

ANNE ARUNDEL GASTROENTEROLOGY
ASSOCIATES, P.A.
820 Bestgate Road, Suite 2B
Annapolis, MD 21401

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SERVE ON: Resident Agent
James M. Blake, Jr., M.D. *
171 Defense Highway
Annapolis, MD 21401 *
*

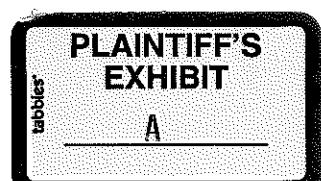
Health Care Providers *
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CERTIFICATE OF MERIT AND REPORT

I, Michael D. Apstein, M.D., hereby certify that I am board certified in the field of gastroenterology and internal medicine, I am also an Assistant Professor of Medicine at the Harvard Medical School.

I hereby certify that less than twenty percent (20%) of my professional activities are devoted to activities that directly involve testimony in personal injury claims.

I hereby certify that I have reviewed the following medical records of Rhonda D'Amico which include, but are not limited to:

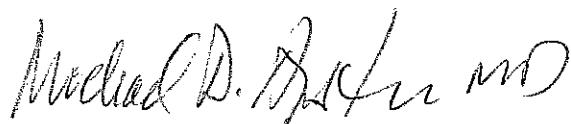


Annapolis Oncology Center - Jeanine L. Werner, M.D. - 2/6/12-7/30/12
Anne Arundel Medical Center - 1/11/12
Anne Arundel Medical Center - 1/19/12-1/22/12
Anne Arundel Medical Center - 2/2/12-2/4/12
Gina Massoglia, M.D. - 2005-2012
Elaine Arata, M.D. - 2007-2012
Maryland Center for Digestive Health - Charles J. Cattano, M.D. - 2005-2012

I hereby certify that based on my training, expertise and review, the care and treatment rendered by Charles Cattano, M.D. and Anne Arundel Gastroenterology Associates, P.A., breached accepted standards of medical care and that such failures were a proximate cause of injuries and damages sustained in this case.

For the purposes of this certification and opinion, I have assumed that for all relevant time periods Charles Cattano, M.D. was an agent or employee of Anne Arundel Gastroenterology Associates, P.A.

I hereby certify that I have read the above and it is true and correct to the best of my knowledge, information and belief.



Michael D. Apstein, M.D.

REPORT RE: RHONDA D'AMICO

I incorporate by reference all that is contained in the Certificate of Qualified Expert which I have signed in this case.

I have reviewed the medical records for Rhonda D'Amico as set forth in the Certificate of Qualified Expert.

On or about October 25, 2007, Dr. Cattano performed a screening colonoscopy upon Rhonda D'Amico and reportedly found a 5mm sessile polyp which was excised by cold biopsy. Subsequently, the pathology was read as tubulovillous adenoma which was also reported as negative for high grade dysplasia. Objective guidelines require repeating a screening colonoscopy in three years when a polyp has villous features. Furthermore, under the facts, a follow-up colonoscopy within six months to one year would have been appropriate given its small size and the fact that the excision was by cold biopsy.

In the summer of 2011, the patient presented with various symptoms and was thought to be anemic. This lead to a hemoccult test which came back positive and then lead to a repeat colonoscopy which was performed on or about January 10, 2012, at which time a polypoid friable mass within the vicinity of the cecum was biopsied. A CT scan was performed and was positive for a cecal mass and was consistent with malignancy with liver metastasis. This resulted in surgery. Unfortunately, Ms. D'Amico at this time had stage IV-B malignancy and now faces the probability that she will not survive the cancer.

Based on the above, I believe Dr. Cattano and Anne Arundel Gastroenterology Associates were negligent in the following respects:

Failing to recommend repeat colonoscopy in a timely manner.

I believe to a reasonable degree of medical probability that a follow-up colonoscopy performed in or around October/November, 2010, would have discovered the tumor and, with proper care, Ms. D'Amico would probably survive the cancer. This is certainly the case had a follow-up colonoscopy been performed by October/November, 2008.

I have assumed that for all relevant time periods Charles Cattano, M.D. was and is an agent or employee of Anne Arundel Gastroenterology Associates, P.A.

These are my opinions as of the date of this report. All of them are made with a reasonable degree of medical probability.

DATED: 19 MARCH 2013

Michael D. Apstein, M.D.
Michael D. Apstein, M.D.